

House Judiciary Criminal Practice Subcommittee Amendment No. 1

Amendment No. 1 to HB2978

McMillan
Signature of Sponsor

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 2866*

House Bill No. 2978

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-23-114(a), is amended by deleting the language "the court shall direct that the person be put to death by electrocution, and that the body be subjected to shock by a sufficient current of electricity until dead." and substituting instead the language "the method for carrying out this sentence shall be by lethal injection.".

SECTION 2. Tennessee Code Annotated, Section 40-23-114(b), is amended by deleting the language "the court shall direct that the person be put to death" and substituting instead the language "the method for carrying out this sentence shall be".

SECTION 3. Tennessee Code Annotated, Section 40-23-114(d), is amended by deleting the language "of subsections (b) and (c)," and by substituting instead the language "of this section."

SECTION 4. Tennessee Code Annotated, Section 40-23-114(c), is amended by deleting the language "lethal injection" and substituting instead the language "electrocution", and by deleting the language "the method of execution in effect at the time the offense was committed." and substituting instead the language "lethal injection.".

SECTION 5. Tennessee Code Annotated, Section 40-23-114(e), is amended by deleting the language of the subsection and substituting instead the language: "If lethal injection or electrocution is held to be unconstitutional by the Tennessee Supreme Court under the state constitution, or held to be unconstitutional by the United States Supreme Court under the United States constitution, or if the United States Supreme Court declines to review any judgment holding lethal injection or electrocution to be unconstitutional under the United States

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Constitution made by the Tennessee Supreme Court or the United States Court of Appeals that has jurisdiction over Tennessee, or if the Tennessee Supreme Court declines to review any judgment by the Tennessee Court of Criminal Appeals holding lethal injection or electrocution to be unconstitutional under the United States or Tennessee Constitutions, all persons sentenced to death for a capital crime shall be executed by any constitutional method of execution. No sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the state constitution or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution."

SECTION 6. Any provision of this act, or the application thereof, which is inconsistent with federal law, rule or regulation shall be deemed to be construed as being consistent with federal law, rule or regulation.

SECTION 7. If any provision of this act, or the application thereof, to any person, entity, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.